

## PART I-C SIGN REGULATIONS

### 9-106 SIGN REGULATIONS

#### A. TITLE; FINDINGS OF FACT; PURPOSE AND INTENT.

1. *Short title.* The provisions of this Section shall hereafter be known and cited as the “Sign Regulations of the City of Oak Forest” or “Sign Regulations”, but are referred to internally as “Section.”
2. *Findings of fact.* The provisions of this Section are derived from a combination of statutory research into similar types of legislation enacted by corporate authorities throughout Illinois and other states and the need to enforce policies, plans and programs approved and enforced by the corporate authorities, as related to the following findings:
  - (a) To remain a healthy and vibrant community, the city must exercise its police power in a manner which promotes economic development, while preserving and protecting the aesthetic aspects of the community;
  - (b) The city’s land development codes, of which this Section is a part, are intended to maintain and improve the quality of life for all citizens of the city, through the implementation of an Official Comprehensive Plan;
  - (c) The city’s Sign Regulations must be updated and kept current so as to reflect the latest judicial and appellate decisions of the appropriate legal jurisdictions, as related to signs and constitutional protection;
  - (d) The city’s Sign Regulations must reflect the legal principle of content neutrality in its interpretation and enforcement of the regulations; specifically assuring the right of commercial and non-commercial messages to utilize the same means of conveyance regarding their messages;
  - (e) While recognizing the need for signs as a valid means of promoting and advertising commercial and non-commercial products, programs and points of view, the physical means used to convey such messages may not always prove to be feasible in light of the need for public safety, and as such, deserve to be regulated in a fair and expeditious manner through the provisions of this Section;
  - (f) Excessive signs, particularly when clustered in close proximity, can be classified as visual pollution and can serve as a distraction to pedestrians, motorists, and others and require stringent regulation and oversight as provided for by these provisions;
  - (g) The existence of nonconforming signs is detrimental to public welfare and the visual aesthetics of the city; and

- (h) The unregulated placement of billboards can be detrimental to the visual aesthetics of the city but must be balanced by legal requirements and considerations of equality of opportunity in terms of location and administrative review.
3. *Purpose and intent.* Given the findings documented in Paragraph A2 above, the purpose and intent of this Section are to establish reasonable regulations for the design, construction, installation, and maintenance of all signs in the City of Oak Forest in order to:
- (a) Balance the right of individuals, institutions, and organizations to identify and promote their commercial businesses and convey their noncommercial messages, reinforcing the right of free speech and protecting against active or passive censorship, while fulfilling the city's obligation to protect the public against the unrestricted proliferation of signs;
  - (b) Protect public health, safety, and welfare;
  - (c) Reduce traffic hazards;
  - (d) Facilitate the creation of an attractive and harmonious community;
  - (e) Protect property values while preserving and promoting community aesthetics;
  - (f) Promote economic development;
  - (g) Preserve and protect the right of free speech as exercised through the use of signs containing both commercial and non-commercial content; and
  - (h) Focus the city's regulatory efforts on the secondary aspects associated with signs, insofar as the secondary effects may adversely affect aesthetics, vehicular and pedestrian safety.
4. *Application.*
- (a) It shall be unlawful to erect, use, display, enlarge, expand, alter, operate, maintain, locate, relocate, or remove any sign within the city except in conformance with the regulations of this Section.
  - (b) Any sign not expressly allowed by the regulations of this Section shall be prohibited. Unless otherwise provided by ordinance, for any new zoning district created in the city, the applicable sign regulations for the new zoning district created in the city, the applicable sign regulations for the new zoning district shall be those that apply to signs in those districts defined in Article 3, Single Family Residential Districts, in this Code.

## B. INTERPRETATIONS AND DEFINITIONS.

### 1. *Interpretation*

- a. Where there is a conflict between the provisions of this Section and provisions of other ordinances, codes and/or regulations of the city, the provisions specified by this Section shall prevail.
- b. Should a conflict be identified between any specific provisions of this Section, the more restrictive provision shall prevail unless otherwise stated in that singular subsection, paragraph, or subparagraph.
- c. Where detailed in this Section, listed dimensional standards are the highest measure of maximum amounts allowed for the proposed conditions; however, such factors associated with the subject site or building, and other extenuating circumstances may reduce the allowable maximum dimensional standards in order to promote proportional signs with the associated structure and property.

### 2. *Definitions.* In the event of a conflict with this Section and within Section 12-206 of this Code (Definitions) the definitions herein shall apply.

- a. *A-Frame or sandwich board sign.* A professionally made, portable, temporary sign, constructed of exterior grade, rigid, weather resistant and durable material such as metal or other non-combustible material and consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top.
- b. *Address sign.* A type of integral sign or other building sign which contains a sequence of numbers and/or letters used to identify the locations of buildings.
- c. *Attention-getting devices.* Streamers, posters, balloons, ribbons, lights bulbs, light bands, spinners and attention-getting devices that move, blinking, electronic and/or flashing signs, signs which exhibit changing natural and/or artificial light or colored effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street and/or a private residence.
- d. *Awning, or canopy sign.* A building sign that is mounted or attached to an awning, or canopy.
- (c) *Banner sign.* A temporary building sign consisting of cloth, canvas, fabric, or other lightweight material that is secured or mounted to a so as to limit movement of the material.
- (d) *Banner stand sign.* A professionally made, portable, temporary sign constructed of exterior grade, rigid, weather resistant and durable material such as metal or heavy-

duty plastic and consisting of a weighted base and an upright rigid banner.

- (e) *Building sign.* A sign which is securely attached to the exterior wall of a primary or accessory structure.
- (f) *Directional sign.* A permanent monument or pole sign located on private property either within five (5) feet of a curb cut onto a public or private right-of-way, or within a parking lot not easily visible from said right-of-way.
- (g) *Electronic message center.* A ground sign that has changeable, electronic copy composed of a series of lights that is used as an accessory display tool to the primary monument or pole sign cabinet.
- (h) *Exempt sign.* A sign that does not require a permanent or temporary sign permit.
- (i) *Fence sign.* A temporary ground sign made of non-durable materials that is typically securely attached to a permitted fence.
- (j) *Fence, permitted.* A legally installed fence which has been issued a building permit and passed all required inspections or is otherwise required by the Oak Forest Building Code.
- (k) *Feather flag sign.* A temporary ground sign typically made of non-rigid, cloth-like material which is attached to a single pole and is taller than it is wide.
- (l) *Flag sign.* A piece of cloth or similar material typically attached by one edge to a freestanding pole or rope used as a symbol or as a signal.
- (m) *Governmental sign.* A sign that is erected and maintained pursuant to, and in the discharge of, any governmental function, or required by any law, ordinance or governmental regulation.
- (n) *Ground sign.* A sign which is permanently or temporarily attached to the ground, via one or more support posts or other support structure and is not attached to any principal or accessory buildings on a property.
- (o) *Handheld sign.* A type of portable sign that is not self-supported and is carried, supported or under the immediate control of a human being.
- (p) *Height, ground sign.* The vertical distance from grade to the top of any exempt, temporary, or permanent ground sign, including any the base or structural support and any design development surrounding or enclosing the sign face.
- (q) *Illuminated tubing.* A type of illumination which consists of one or more thin, cylindrical bulbs that contain multiple light-emitting diodes, commonly known as LEDs, or other lighting technology other than neon gas, used to emit a bright light.

These are typically formed in the shape of the structure for which it serves as a border.

- (r) *Interior illuminated sign.* A window sign which consists of light emitting diodes, commonly known as LEDs, or other lighting technology other than neon gas, and is installed on the interior of a window, commonly used by commercial businesses. This definition shall not include interior neon signs or electronic message centers.
- (s) *Inflatable sign.* A temporary sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled sufficient volume of air or gas.
- (t) *Integral sign.* Names of buildings, dates of erection, monumental citations and commemorative tablets or other information which constitutes as a sign that is carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- (u) *Maximum height, building sign.* The vertical distance from grade to the top of any exempt, temporary, or permanent building sign.
- (v) *Minimum height, building sign.* The vertical distance from grade to the bottom of any exempt, temporary, or permanent building sign.
- (w) *Mixed use.* The use of a property being a combination of residential and non-residential uses, with the non-residential use constituting of at least sixty percent (60%) or more of the first floor of the primary structure of the building.
- (x) *Mobile sign.* A type of portable sign that is attached to, or carried by, any motor vehicle, bicycle or other similar apparatus.
- (y) *Monument sign.* A permanent ground sign that is mounted to or part of an independent base affixed to the ground and designed as an integral part of that base.
- (z) *Moving or animated sign.* Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement or rotation, excluding electronic message center signs as defined above.
- (aa) *Neon sign.* An illuminated sign primarily constructed of exposed neon tubing.
- (bb) *Neon sign, interior.* A neon window sign which is installed on the interior of a window, commonly used by commercial businesses.
- (cc) *Neon tubing.* A type of illumination which consists of one or more thin, cylindrical bulbs that contain neon gas, used to emit a bright, vibrant light, and are typically formed in the shape of the structure of which it serves as a border.

- (dd) *Pole sign.* A permanent ground sign that is supported by one or more columns, uprights, poles or braces that extend from the ground or from an object on or in the ground.
- (ee) *Political election sign.* A type of yard or pin sign that announces or supports political candidates or issues in connection with any national, state or local election.
- (ff) *Portable sign.* A type of temporary sign which is not attached to the ground, building, structure, or fence and is designed to be easily moved from place to place.
- (gg) *Post sign.* A ground sign which may be installed on a temporary or permanent basis is constructed of finished wood, PVC, or other durable material, and is supported by one or two posts in the ground that are a minimum of three (3) inches in width.
- (hh) *Projecting sign.* A sign that is affixed to any building or structure that projects outward from the building or structure by more than 12 inches.
- (ii) *Public utility sign.* A sign that is erected by public utility companies or construction companies to warn of danger or hazardous conditions, including, without limitation, any sign indicating the presence of underground cables, gas lines, and similar devices.
- (jj) *Rope lighting.* See “illuminated tubing”.
- (kk) *Sign.* Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention by any means including words, printed text, letters, figures, designs, symbols, pictures, fixtures, colors, motion, illumination or projected images for the purpose of delivering a message.
- (ll) *Sign face.* A flat, two-dimensional surface, including the backing of a sign, which is measurable by a commonly recognized geometric figure containing a sign.
- (mm) *Sign walker.* A person holding a handheld sign on private property.
- (nn) *Temporary sign.* A sign that is professionally constructed of cloth, canvas, fabric, paper, or other light material, is intended to be displayed for a limited period of time and is neither installed permanently in the ground nor permanently affixed to a building, structure, wall, fence, or other permanent, temporary, or exempt sign.
- (oo) *Wall sign.* A building sign that is affixed directly to or otherwise inscribed on an exterior wall, including doors, of any building. Supports or braces from a wall sign to the roof shall not cause a wall sign to be considered to be a roof sign under this Section.
- (pp) *Window display.* The display of actual merchandise, products, and goods sold, as well as the means or material necessary to display those items, including, without

limitation, the following:

- i. Stands;
- ii. Mannequins;
- iii. Platforms;
- iv. Lighting; and
- v. Backdrops, or a temporary structure that has been suspended from a ceiling, set on the ground, or otherwise supported and does not fully enclose a window area.

(qq) *Window sign.* A building sign that is painted on or applied or attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure. A window display, as defined by this Section, shall not be considered to be a window sign.

(rr) *Yard or pin sign.* A temporary ground sign made of non-durable materials that is typically staked in the ground by metal or plastic supports.

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### C. PERMIT APPLICATION AND REVIEW.

1. *General requirements for a sign permit.* Except as provided in Subparagraph F(1) of this Section, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Oak Forest, any sign or other advertising structure as defined in this Section, without first obtaining a building permit from the Building Commissioner.
2. *Authority.* The Building Commissioner may, in accordance with the procedures and standards set forth in this Subsection C, grant zoning approval of signs authorizing the construction and maintenance of signs subject to the regulations and standards contained in this Section.
3. *Procedure.*
  - a. *Application.* An application for a sign permit shall be filed by the owner of, or any person having a contractual interest in, the lot on which the sign is proposed to be located on a form provided by the Building Commissioner or his or her designee and shall require the applicant to provide the following information at a minimum:
    - i. The name, address and telephone number of the applicant, owner or owner's representative, and the person, firm, corporation or association erecting the sign;
    - ii. A site plan, drawn to scale, depicting the location of the building, structure and lot upon which the proposed sign is to be attached or erected;
    - iii. Photographs or drawings depicting the proposed sign and its relationship to the building to which it is to be mounted or the surrounding area;
    - iv. Drawings of the proposed sign depicting the specifications and method of construction and attachment or erection, as the case may be, to the building or

- v. ground;
  - v. One accurate color sketch or rendering depicting the proposed colors proposed to be used on the sign and the existing surrounding materials;
  - vi. Written consent of the owner, or the authority to act on behalf of the owner, of the building, structure and lot on which the sign is to be erected;
  - vii. If required by the Building Commissioner or his or her designee, a copy of an electrical permit;
  - viii. If required by the Building Commissioner or his or her designee, a copy of an insurance policy or bond;
  - ix. If required by the Building Commissioner or his or her designee, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this Section and all other laws and ordinances of the city;
  - x. A survey indicating the lot lines and a drawing that shows the mounting technique and the underground details of the sign installation; and
  - xi. Any other information the Building Commissioner or his or her designee shall require to show full compliance with this Section and all other laws and ordinances of the city.
- b. *Fees.* Sign permit fees shall be in the amounts established from time to time in the Building Code.
- c. *Action by the Building Commissioner.*
- i. *For permanent signs.* Within 30 days following the proper filing of a completed application, the Building Commissioner shall either grant the sign permit or, by written notice stating the reasons therefore, grant the application with modifications or conditions, deny the application, or, where applicable, refer the application to the Planning and Zoning Commission for its review pursuant to Subsection D of this Section. The failure of the Building Commissioner to act within 30 days, or such further time to which the applicant shall agree, shall be deemed to be a decision denying the sign permit.
  - ii. *For temporary signs.* Within 5 business days following the proper filing of a completed application, the Building Commissioner shall either grant the sign permit or, by written notice stating the reasons therefore, grant the application with modifications or conditions, or deny the application.
4. *Standards for sign permits.* No sign permit shall be granted pursuant to this Section unless the applicant shall establish, at a minimum, the following conditions.
- (a) *Compliance with this Section.* The proposed sign shall comply with all applicable provisions of this Section.
  - (b) *Sign dimensions and maximums.* Where detailed in this Section, listed dimensional standards are the highest measure of maximum amounts allowed for the proposed conditions; however, such factors associated with the subject site or building, and



other extenuating circumstances may reduce the allowable maximum dimensional standards in order to promote proportional signs with the associated structure and property.

- (c) *Conditions on sign permits.* As part of a sign permit, the Building Commissioner may impose any conditions and limitations concerning the construction and maintenance of the sign as may be necessary or appropriate to ensure satisfaction of the standards set forth in this Section C of and the purposes and objectives of this Section and to minimize any adverse effects upon other property in the vicinity. These conditions shall be expressly set forth in the sign permit. Violation of any condition or limitation shall be a violation of this Section and shall constitute grounds for revocation of the sign permit and the imposition of fines as authorized by law

5. *Expiration of permits.*

a. *Permanent signs.*

- (i) Sign permits for any sign other than a temporary sign shall remain in effect until such time that the structural elements other than the sign face are changed, modified or altered so as to deviate from the terms or conditions of the sign permit.
- (ii) Any change, modification or alteration shall require the issuance of a new sign permit.

- (b) *Temporary signs.* Sign permits for temporary signs shall remain in effect for the applicable time period defined in Paragraph 9-106(F)(2) of this Section and be removed immediately upon the expiration of the sign permit or otherwise required time period.

5. *Revocation of permit.* Any sign permit issued pursuant to this Subsection C of this Section may be revoked or suspended by the Building Commissioner if the holder of the sign permit violates the terms of the sign permit or any other provision of this Section.

6. *Final inspection.*

- (a) Within 14 days following the completion of construction of the sign, the owner shall schedule with the Building Commissioner, or his or her designee, a final inspection of the sign.
- (b) If the owner fails to schedule a final inspection, or if Building Commissioner or his or her designee determines at the final inspection that the sign fails to comply with this Section, the Building Commissioner shall have the authority to revoke the sign permit and require that the sign is removed.

#### D. SIGN PLANS.

1. *Intent.* The intent of the regulation of a Minor or Major Sign Plan is to ensure that properties with multiple buildings, buildings with multiple occupants or tenants, and/or a building facing more than one right-of-way, to provide signs that are well designed and consistent throughout that building or property, while providing some flexibility in the design of the signs that are approved through a Minor or Major Sign Plan.
2. *Applicability.* Notwithstanding any other provision of this Section, an approved Minor or Major Sign Plan shall govern the installation and maintenance of all signs requiring a sign permit on the building or property, or portion thereof, for which the Minor or Major Sign Plan has been approved.
  - (a) *Minor Sign Plan.* A Minor Sign Plan shall be submitted to the Community Development Director for its review and approval in accordance with this Subsection D for:
    - (i) Any property containing more than one building for which an application has been submitted requesting approval of more than one sign or sign type on that property;
    - (ii) Any property that has frontage along two or more streets for which an application has been submitted requesting approval of more than one sign type on that property;
    - (iii) Any multiple tenant building for which an application has been submitted requesting approval of more than one sign type on that building or property; and
    - (iv) Any property on which directional signs are requested.
    - (v) Any newly constructed building that contains multiple storefronts with ground floor entrances;
    - (vi) Any existing building that contains multiple storefronts with ground floor entrances for which a building permit application has been submitted requesting approval of exterior facade improvements in accordance with Section 11-505 of this Code relating to all of the multiple storefronts with ground floor entrances; and
    - (vii) Any development, new or existing, which is considered a special use in Appendix, Table of Uses.
  - (b) *Major Sign Plan.* A Major Sign Plan shall be submitted to the Community Development Director for its review and approval in accordance with this Subsection D for any development which requires a combination of signs whose quantity, type and/or location that does not otherwise meet the requirements of this Section and is not otherwise classified as a permitted variation in Paragraph 11-403(E)(1) of this Code.

3. *Application contents.*

- (a) An application for approval of a Minor or Major Sign Plan shall include details regarding the design and location of all proposed signs for all signs, including signs where no permit is required.
- (b) The Minor or Major Sign Plan shall clearly define the areas of the building or property for which approval of a Minor or Major Sign Plan is requested. At a minimum, the following details shall be provided in the application submittal for approval of a Minor or Major Sign Plan:
  - (i) Sign design, material(s), anchorage and support(s);
  - (ii) Sign location(s);
  - (iii) Sign color(s);
  - (iv) Sign dimensions; and
  - (v) Method of illumination.

4. *Minor Sign Plan Procedures.*

- (a) *Application.* An application for a Minor Sign Plan shall be filed in accordance with the requirements of Paragraph D3 of this Subsection. Except as expressly provided otherwise herein, no application for a Minor Sign Plan shall proceed for review by the Community Development Director in accordance with Subsection 11-101(F) of this Code unless he or she has determined that it is in proper form.
- (b) *Simultaneous Application.* Where applicable, an application for approval of a Minor Sign Plan may be filed and reviewed in conjunction with an application for Site Plan Approval, pursuant to Subparagraph 11-504(E)(1) of this Code.
- (c) *Procedure.* Upon determination that the application for a Sign Plan is in proper form, the Community Development Director shall proceed to review said application in accordance with the procedure outlined in this Paragraph 9-106(D)(4) of this Code.
  - i. *Action by Community Development Director.* Following receipt by the Community Development Director of a properly completed Minor Sign Plan application, the Community Development Director or his or her designee shall review said application, in terms of the standards established by Paragraph 6 of this Subsection. He or she shall then either approve the Minor Sign Plan as submitted, approve the Minor Sign Plan with conditions, or deny the Minor Sign Plan.
  - ii. *Decision.* Within thirty (30) days of receipt of said properly completed application, he or she shall then notify the applicant in writing of his or her decision and forward it to the Building Department. The failure of the Community Development Director to act within said thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision approving the Minor Sign Plan as submitted.

- (d) *Appeals.* Within 45 days following a denial of a Minor Sign Plan by the Community Development Director, the applicant may seek approval of the Minor Sign Plan by filing an application for appeal to the Planning and Zoning Commission in accordance with the requirements of Section 11-402 of this Code. Any such appeal shall proceed in accordance with the provisions of this Subparagraph.
- (i) *Decision.* After hearing an appeal of the Community Development Director's decision on a Minor Sign Plan, the Planning and Zoning Commission shall either:
  - (a) Approve the Minor Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
  - (b) Deny the Minor Sign Plan if the Planning and Zoning Commission determines that the Minor Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section.
  - (c) The Planning and Zoning Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.
- (ii) *Conditions.* The Planning and Zoning Commission may approve a Minor Sign Plan subject to any conditions the Planning and Zoning Commission shall deem necessary to protect the public welfare and to achieve the purposes of this Section.

##### 5. *Major Sign Plan Procedures.*

- (a) *Application.* An application for a Major Sign Plan shall be filed in accordance with the requirements of Paragraph D3 of this Subsection. Except as expressly provided otherwise herein, no application for a Major Sign Plan shall proceed to a public meeting until the Community Development Director has first reviewed the said application in accordance with Subsection 11-101(F) of this Code and determined that it is in proper form.
- (b) *Notice.* Notice of the public meeting shall be provided in accordance with the following provisions.
  - (i) *Setting Hearing or Meeting; Time Limitation.* Upon determining that the application for a Major Sign Plan is in proper form, the Community Development Director shall fix a reasonable time and place for such meeting before the Planning and Zoning Commission. Such meeting shall be commenced no later than 60 days, and shall be concluded no later than 120 days, unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the

Planning and Zoning Commission is completely committed during that time.

- (ii) Persons Entitled to Notice. Upon the meeting date being set, notice of the public meeting shall be given to the following parties:
    - (a) To the applicant and to the owner, if the owner is not the applicant, by mail or personal delivery.
    - (b) To the City Council, the Planning and Zoning Commission, and applicable Departments and Officials of the City of Oak Forest, by mail or personal delivery.
    - (c) To the general public, by posting of the meeting agenda in a physical public place within 48 hours of the meeting date and time as required by what is commonly known as the Open Meetings Act of Illinois (5 Illinois Compiled Statutes/120).
  - (iii) Content of Notice. Such notice shall include the date, time and place of such meeting, a description of the matter to be heard or considered, and the address or particular location of subject property.
- (c) *Meeting before the Planning and Zoning Commission.* The Planning and Zoning Commission shall consider the application at a public meeting duly noticed in accordance with Subparagraph (b) of this Paragraph. At the meeting, the applicant and all interested parties shall have an opportunity to be heard and to present testimony and documentary evidence relating to the proposed signs.
- (d) *Decision.* The Planning and Zoning Commission shall either:
- (i) Approve the Major Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
  - (ii) Approve the Major Sign Plan with conditions and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or
  - (iii) Deny the Major Sign Plan if the Planning and Zoning Commission determines that the Major Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section. The Planning and Zoning Commission's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.

(e) Appeals. Within 45 days following a denial of a Major Sign Plan by the Planning and Zoning Commission, the applicant may seek approval of the Major Sign Plan by filing an application for appeal to the City Council in accordance with the requirements of Section 11-402 of this Code. Any such appeal shall proceed in accordance with the provisions of this Subparagraph.

(i) Decision. After hearing an appeal of the Planning and Zoning Commission's decision on a Major Sign Plan, the City Council shall either:

(a) Approve the Major Sign Plan and direct the Community Development Director to forward any applicable sign permits to the Building Department if, based on the application, the testimony, and other information presented at the meeting, and all other reliable and relevant evidence, documents and information, the Planning and Zoning Commission determines that the proposed sign, including illumination plans if applicable, complies and is consistent with the provisions of this Section; or

(b) Deny the Major Sign Plan if the City Council determines that the Minor Sign Plan and consideration of the testimony and other evidence presented at the meeting, as well as other reliable and relevant evidence, documents and information reveal that the applicant has not satisfied the conditions of this Section. The City Council's decision shall be forwarded in writing to the applicant and the Building Department within 30 days of the decision.

(ii) *Conditions.* The City Council may approve a Major Sign Plan subject to any conditions the City Council shall deem necessary to protect the public welfare and to achieve the purposes of this Section.

6. *Standards.* No Minor or Major Sign Plan shall be approved by either the Community Development Director or the Planning and Zoning Commission unless they shall find that the Sign Plan incorporates signs that are:

(a) Unified and consistent throughout the building or property;

(b) Compatible with the design and materials of the building or buildings, and consistent with the area surrounding the building or property;

(c) Not contrary to the intent of this Section;

(d) To be erected and maintained in accordance with the intent of this Section;

(e) In compliance with the standards for sign permits set forth in Section C of this Section;

(f) Reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the sign; and

(g) Will not cause adverse effects upon the neighboring properties, or the health, safety and general welfare of the public.

E. GENERAL STANDARDS. The following standards shall apply to all allowed exempt, temporary, and permanent signs and all other signs allowed in accordance with these Sign Regulations.

1. *Illumination.*

a. *Location and Design of Light Source.* Whenever an external artificial light source is used for a sign, such source shall be located, shielded and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached; provided, however, that a receptacle or device housing a permitted light source for a sign may be located more than twelve (12) inches from the face of the sign if such light source is ground mounted, locked in place, and cannot be redirected. Decorative serpentine fixtures associated with awnings and canopies which have received Design Review Permit approval may extend beyond twelve (12) inches with approved anchoring and electrical installation by the Building Commissioner.

b. *Level of Illumination.* In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed 175-foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

c. *Signs Adjacent to Residential Areas.* Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance.

2. *Design Standards.*

a. *Visual compatibility.* The proposed sign shall be visually compatible with the building or lot on which the sign is proposed to be located and surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.

b. *Quality of design and construction.* The proposed sign shall be constructed and maintained with high-quality design and materials and a good relationship with the design and character of the neighborhood.

- c. *Appropriateness to the site.* The proposed sign shall be appropriate to its location in terms of design, landscaping, and orientation on the lot, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment of neighboring properties, or unduly increase the number of signs in the area.
  - d. *Sign Colors.* No sign face shall employ more than four (4) colors plus black and white, unless otherwise expressly addressed in this Section.
3. *Electrical Elements.* All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Oak Forest Building Code.

No metal sign illuminated by any means requiring internal wiring and no electrical fixtures attached to any sign shall be lower than nine (9) feet from grade unless it is grounded by the use of a grounding conductor run with the circuit conductors and is also grounded by being bonded to a grounding electrode at the sign site.

4. *Structural Elements.* The construction and structural components of all signs shall be in accordance with the standards and regulations of the Oak Forest Building Code. All permanent signs shall be constructed of fire-resistant materials and shall be capable of withstanding wind pressures of at least thirty (30) pounds per square foot of surface area and of receiving dead loads based on the actual weight of the structure. In no case shall the structural elements of a pylon sign extend above the top of the sign face.
5. *Minimum Elevation of Certain Signs.* The bottom of every awning, canopy, and wall sign shall be elevated at least eight (8) feet above grade. Whenever possible wall signs on the same façade shall maintain the same top and bottom elevations above grade.
6. *Obstruction of Access Ways.* No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.
7. *Obstruction of Window Surface.* No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any applicable provision of the Oak Forest Building Code.
8. *Traffic Safety.*
- a. *Confusion With Traffic Signals.* No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic.
  - b. *Obstruction of Sight Triangles Prohibited.* No sign, nor any part of a sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter shall be located lower than eight (8) feet from grade within the area of any “sight triangle” as defined in Subsection 12-206(S) of this Code.



9. *Signs of Right-of-Way.* Except as provided in this paragraph, no sign except governmental signs authorized in this Section shall be placed in or extend into or over any public property or right-of-way.
10. *Sign Measurement.*
- a. *Area to be Included.* The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the sign face.
  - b. *Area of Signs With Backing.* The area of all signs with backing shall be measured by computing the area of the sign backing.
  - c. *Area of Signs Without Backing.* The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figures that can separately encompass all words, letters, figures, emblems and other elements of the sign message.
  - d. *Area of Signs With and Without Backing.* The area of all signs formed by a combination of elements with and without backing shall be measured by counting the area of such elements measured in accordance with the foregoing subparagraphs.
11. *Signs on Lots With Multiple Users.* Where more than one user occupies a zoning lot, the owner of the lot shall be responsible for allocating allowed signs among such users.
12. *General Safety.* Notwithstanding any other provision of this Section, no sign shall be located in an area or in any manner so as to create a nuisance or a threat to public safety and welfare.

F. ALLOWED SIGNS.

The sign regulations contained in this Subsection F shall govern all allowed signs, except for those falling under a Subsection G, Special Areas of Control. Where a sign is not allowed in this Subsection F, Subsection G shall allow any and all other sign allowances. Should this Section be in conflict in any way with Subsection G, Subsection G shall apply. The following terms are used in the tables in order to further explain or abbreviate the Sign Regulations.

SFR	Single Family Residential
MFR	Multi-Family Residential
NR	Non-Residential
MU	Mixed Use
ROW	Right of Way

1. *Exempt Signs.* Exempt signs do not require a sign permit.

a. *General Standards for Exempt Signs.*

- a. All exempt signs, except for flag signs, shall be non-illuminated unless otherwise stated.
- b. All exempt ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
- c. All exempt ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
- d. All exempt signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.

b. *Signs Exempt in All Zoning Districts.*

- a. Political Election or Campaign Sign. In accordance with 65 ILCS 5/11-13-1-12, as amended from time to time, political election or campaign signs meeting the following requirements are allowed:
  1. The sign(s) shall meet all General Standards within 9-106(F)(1)(a) of this Code.
  2. The sign(s) shall be located on private properties with permission from the property owner.
  3. The sign(s) shall not exceed five (5) feet in overall height when measured from grade.
  4. The sign is not above the roof line when located on a building.
  5. The number and size of such signs shall meet the requirements as stated in Table 9-106(F)(1)(c) of this Code.
- b. Address signs.
  1. All address signs may be illuminated in accordance with Section 9-106(E) of this Code.
  2. All address signs are allowed in accordance with Section 151.001, International Building Code, and 151.002, International Residential Code, in

the Oak Forest Municipal Code, as amended from time to time.

- c. Governmental Signs. All governmental signs shall be allowed with a sign permit.
- d. Public Utility Signs. All public utility signs shall be allowed without a sign permit.

c. *Signs Exempt on Residential Properties.* This Subparagraph shall apply to properties which are in a residential zoning district, as defined in Article 3, Single Family Residential Districts, and Article 4, Multi-Family Residential District, of this Code, and to properties which are in any other zoning district defined in this Code of which are used by a nonconforming use as defined in Article 10, Nonconformities, of this Code. This shall include any non-residential use on properties the zoning districts defined by the aforementioned Articles 3 and 4 of this Code. Any sign not expressly allowed by this Subparagraph (2)(c) of this Subsection (F) or elsewhere in this Section shall be prohibited.

Table 9-106 F.1.c – EXEMPT SIGNS FOR RESIDENTIAL USES						
	Sign Type	Land Use	Max Area (ft <sup>2</sup> )	Number	Height (ft)	Additional Regulations
<b>WALL</b>	Integral	SFR	1	1 per primary structure	4 (bottom of sign from grade)	----
		MFR	3			
	Yard	SFR	6	4 per property	4	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>
		MFR		4 per primary structure		
Post	SFR	6	1 per property	4	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>	
	MFR	Refer to <i>Subsection 9-106(G), Special Areas of Control.</i>				
<b>GROUND</b>	Flag	All uses	24 per flag	1 pole per property; 2 flags per pole	Pole height of 15 feet	----
	Fence	SFR/MFR	6	1 per fence facing public or private ROW	6 feet or no taller than the top of the fence, whichever is less	<ul style="list-style-type: none"> <li>• Any combination of yard, post, or fence signs may be used to count toward the total number of allowed ground signs being four (4).</li> </ul>

- d. *Signs Exempt on All Other Properties.* This Subparagraph shall apply to properties which are in all other zoning districts, as defined in Article 5, Commercial Districts; Article 6, Office Districts; Article 7, Industrial Districts; and Article 8, Special Districts; of this Code. The uses of such properties in the aforementioned zoning districts shall be in compliance with Appendix A, Table of Uses. Any nonconforming uses on properties in any of the aforementioned zoning districts shall otherwise adhere to the exempt sign allowances stated in Table 9-106(F)(1)(c) of this Code. Any sign not expressly allowed by this Subparagraph (1)(d) of this Subsection (F) or elsewhere in this Section shall be prohibited.

**Table 9-106 F.1.d – EXEMPT SIGNS FOR NON-RESIDENTIAL USES**

		Sign Type	Land Use	Max Area (ft <sup>2</sup> )	Number	Height (ft)	Additional Regulations
<b>WALL</b>		Window	NR/MU	No more than 25 percent of the total window surface area per elevation facing ROW.			<ul style="list-style-type: none"> <li>Window signs, interior neon window signs, and interior illuminated signs shall be included toward the total allowed area.</li> </ul>
		Integral	NR/MU	3	1 per primary structure	4 (bottom of sign from grade)	----
		Yard	NR/MU	6	1 per property; 2 per property with greater than 75 ft. of public ROW	4	----
		Flag	All uses	24 per flag	1 pole per property; 2 flags per pole	Pole height of 15 feet	----
<b>GROUND</b>		Handheld	NR/MU	--	1	--	<ul style="list-style-type: none"> <li>One person may carry one (1) handheld sign of a reasonable size able to be carried for no longer than two (2) hours, three (3) times per day.</li> <li>Sign walkers must not obstruct the view or path of travel of any pedestrian or motorist.</li> <li>Sign walkers must be no farther than fifty (50) feet from the primary entrance of the building to which they correspond.</li> <li>Sign walkers must stay on the private property of the building to which they correspond or on a public sidewalk at all times.</li> </ul>

2. *Temporary Signs*. Temporary signs on properties with residential uses do not require a temporary sign permit. Temporary signs on properties with non-residential uses require a temporary sign permit.
  - a. *Special Circumstances*. Special circumstances shall be defined as one-time events occurring on a property for which time limits vary depending on the land use of the property on which the one-time event occurs, as well as the definition of the one-time event. The allowable special circumstances shall be defined as follows:
    - i. *Grand Opening*. For the purposes of this Section, “grand opening” shall mean when a new business or other non-residential establishment opens for the first time at a physical location within the city and receives a Certificate of Occupancy. Expansions of tenant spaces are eligible for temporary grand opening signs. The time limit shall be thirty (30) days.
    - ii. *Temporary or Seasonal Use on Properties Used for Residential Purposes*. For the purposes of this Section, “temporary or seasonal use on properties used for residential purposes” shall mean a private residence or group of private residences at a physical location within the city that plans or plan to observe a one-time annual event such as, for example, national or religiously affiliated holiday, which is typically less than thirty (30) days. The time limit shall be 45 days or the duration of the use, whichever is less, and may only be three times per calendar year. A seven-day period must lapse between the end of one such use on a property before a subsequent use may take place.
    - iii. *Temporary or Seasonal Use on Properties Used for Non-Residential Purposes*. For the purposes of this Section, “temporary or seasonal use on properties used for non-residential purposes” shall mean a non-residential establishment at a physical location within the city that plans to operate for a specific period of time, or plans to conduct a one-time event for a specific period of time related to their legal conforming use on their property, which is typically less than ninety (90) days. Examples include, but are not limited to, temporary offices, carnivals, and holiday-related retail sales. The time limit shall be thirty (30) days or the duration of the use, whichever is less, and may only be three times per calendar year. A thirty-day period must lapse between the end of one such use on a property before a subsequent use may take place.
    - iv. *Prior to Installing a Permanent Sign*. For the purposes of this Section, “prior to installing a permanent sign” shall mean when a business or other non-residential establishment at a physical location within the city is in the process of installing a new permanent sign or signs. A sign permit application for the new permanent sign or signs must be submitted in order to be eligible for a temporary sign permit. The time limit shall be thirty (30) days.

- v. *Special Event.* For the purposes of this Section, “special event” shall mean an event held at a physical location within the City with a valid permit from the city. Special events include, but are not limited to, charitable events and tent sales. The time limit shall be no more than fourteen (14) days prior to the commencement of the event and immediately upon the ceasing of the event.
- vi. *Garage Sale.* For the purposes of this Section, the term “garage sale” shall be as it is defined in Subparagraph 9-103(D)(1)(a) of this Code. The time limit shall be no more than 3 days before and immediately upon the termination of the garage sale permit.
- vii. *Personal Event.* For the purposes of this Section, the term “personal event” shall be defined as a personal event or occasion such as a birth, graduation, or other celebration. The time limit shall be fourteen (14) days.

b. *General Standards for Temporary Signs.*

- i. All exempt signs shall be non-illuminated unless otherwise stated.
- ii. All exempt ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
- iii. All exempt ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
- iv. All exempt signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.
- v. All temporary signs shall be allowed in addition to all signs allowed by Paragraphs (F)(1) and (F)(3) of this Section.
- vi. Properties on which a special circumstance is occurring and are used for non-residential purposes cannot install more than two temporary sign types per temporary sign permit.

**Table 9-106 F.2.c – TEMPORARY SIGNS FOR RESIDENTIAL USES**

GROUND	Sign Type	Land Use	Max Area (ft <sup>2</sup> )	Number	Height (ft)	Allowed Special Circumstances	Additional Regulations
	Yard	SFR	16	1 per property	6	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> <li>• Garage Sale</li> <li>• Personal Event</li> </ul>	<p>Allowed special circumstances listed in this Table 9-106(F)(2)(c) may occur concurrently.</p>
		MFR		1 per building			
	Fence	SFR/MFR	16	1 per individual property's frontage facing a Primary Street, as identified by Exhibit A of this Section.	6 feet or no taller than the top of the fence, whichever is less	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> </ul>	
Inflatable	SFR/MFR	N/A	No limit.	15	<ul style="list-style-type: none"> <li>• Temporary or Seasonal Use on Properties Used for Residential Purposes</li> </ul>		

**Table 9-106 F.2.d – TEMPORARY SIGNS FOR NON-RESIDENTIAL USES**

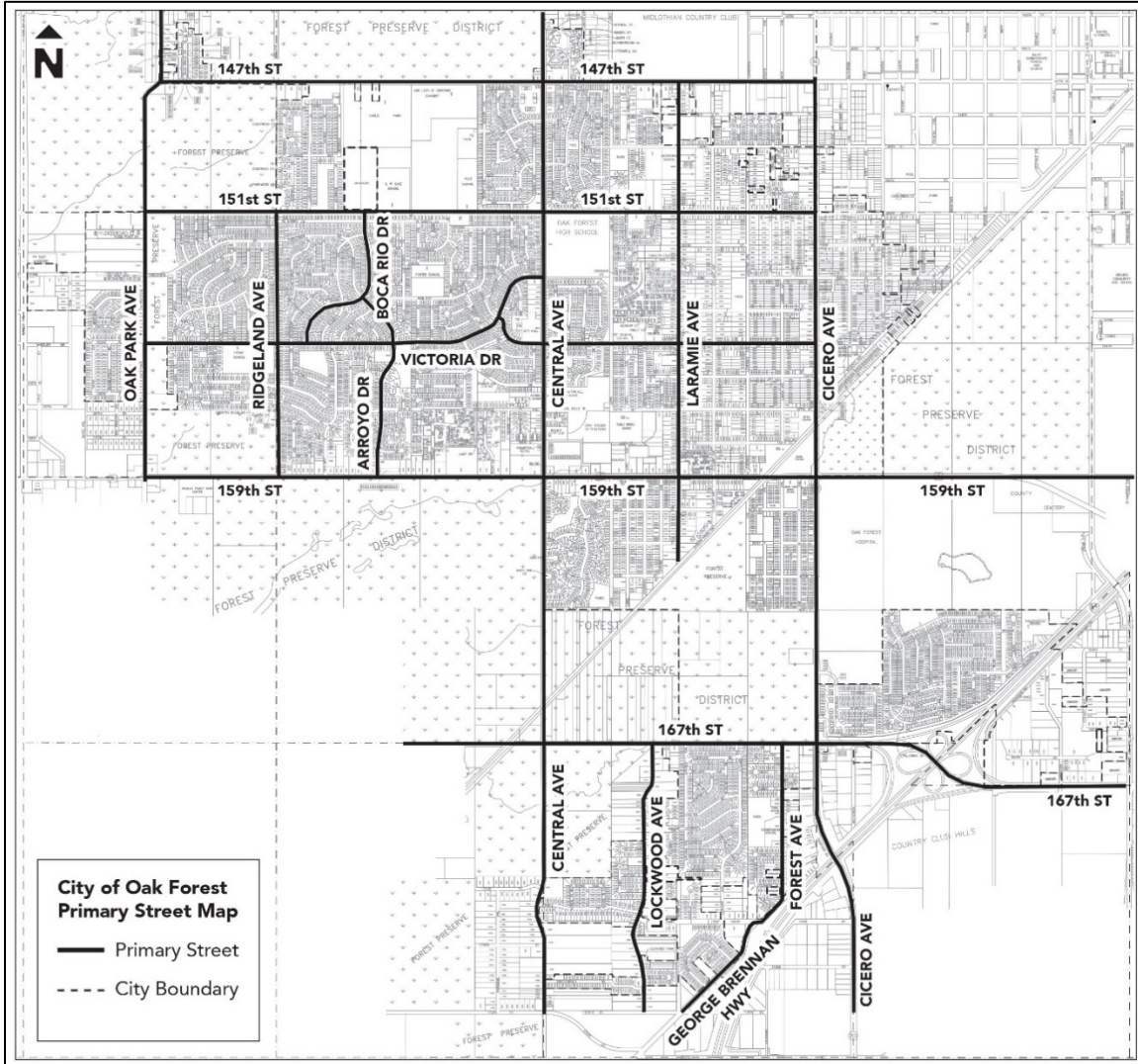
<b>Sign Type</b>	<b>Land Use</b>	<b>Max Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Height (ft)</b>	<b>Allowed Special Circumstances</b>	<b>Additional Regulations</b>
Banner	NR	32	1 per non-residential establishment	<ul style="list-style-type: none"> <li>• Must not extend above the roofline</li> <li>• Bottom of sign must be at least 8 feet above the ground</li> </ul>	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Shall not cover any window, vent, or other building appurtenance or opening</li> <li>• Shall not warp around the corner of a building.</li> </ul>
Yard	NR/MU	16	1 per public or private ROW frontage per property	6	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	---
A-Frame Sign	NR/MU	6	1 per first floor non-residential establishment entrance	5	Special Circumstances do not apply; daily during hours of operation only; must be removed at the time of business or other non-residential use closing	<ul style="list-style-type: none"> <li>• Must be within eight (8) feet of customer entrance to a building and on a sidewalk.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> <li>• Must be renewed annually.</li> </ul>
Banner Stand Sign	NR/MU	6	1 per first floor non-residential establishment	5	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Temporary or Seasonal Use on Properties Used for Non-Residential Purposes</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Must be on a weighted stand within five (5) feet of the primary entrance or no closer than 2 feet from a public sidewalk and be on private property.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> </ul>



Feather Flags	NR/MU	20	<i>Installed in the ground:</i> 1 per 50 ft. of public or private ROW, with each being 50 ft. apart	9	<ul style="list-style-type: none"> <li>• Grand Opening</li> <li>• Prior to Installing a Permanent Sign</li> <li>• Special Event</li> </ul>	<ul style="list-style-type: none"> <li>• Must be secured into the ground or on a weighted stand within five (5) feet of the primary building entrance and on a sidewalk.</li> <li>• Must allow for clear passage on sidewalk in accordance with American with Disabilities Act regulations.</li> </ul>
			<i>Placed near the primary building entrance:</i> 1 per entrance			

- e. *Primary Streets on which Certain Signs may face public right-of-way.* Exhibit A, below, titled City of Oak Forest Primary Street Map, shall identify certain public rights-of-way toward which certain signs may face as allowed elsewhere in this Section 9-106 of the Zoning Ordinance. Any street not explicitly named as a Primary Street shall not be considered a Primary Street. Any properties with frontage on a street or streets not considered a Primary Street shall not have the same allowances as those with a frontage or frontages on a Primary Street, unless otherwise stated.

**EXHIBIT A**



3. *Permanent Signs.* Permanent signs require a sign permit. All requirements shall be deemed as maximums unless authorized stated. The following table shall determine which permanent sign types are permitted on which properties by right, by special use permit approval, or not permitted, based on the zoning district of the property of the requested sign permit. Such signs shall only be allowed on properties in the specified zoning districts which are in compliance with Appendix A, Table of Uses, of this Code. On properties which are used for residential purposes in a non-residential zoning district, the requirements for residential zoning districts shall apply. The following terms are used in the table in order to further explain or abbreviate the sign regulations.

- S Special use permit required, for review in accordance with 11-504 of this Code
- P Permitted by right
- Not permitted

Table 9-106 F.3 – Permanent Signs as determined by Zoning District													
Sign Type	R1	R2	R3	R4	R5	R6	C1	C2	C3	O1	II	OS	IB
Monument Signs	S	S	S	S	S	S	P	P	P	P	P	P	P
Pole Signs	-	-	-	-	-	-	S	S	S	S	P/S	S	S
Electronic Message Centers	-	-	-	-	-	-	P	P	P	P	P	P	P
Directional Signs*	-	-	-	-	-	-	P	P	P	P	P	P	P
Wall Signs	-	-	-	-	-	-	P	P	P	P	P	P	P
Projecting Signs	-	-	-	-	-	-	S	S	S	S	S	S	S
Awning and Canopy Signs	-	-	-	-	-	-	P	P	P	P	P	P	P
Exceptional & Unique Signs	-	-	-	-	-	-	S	S	S	S	S	S	S

\*may require Sign Plan approval if the maximum quantity is exceeded.

- a. *Monument signs.*
  - i. *Materials required.* Monument signs shall have a surface or facing of incombustible materials with bases constructed of decorative durable materials, such as brick, stone, or decorative masonry block; provided, however, that structural trim composed of combustible material, may be used.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any monument sign, shall be safely or securely built and/or attached to the sign structure.
  - iii. *Quantity.* One monument sign shall be allowed per street frontage on a zoning lot with 100 or more lineal feet of continuous street frontage.
  - iv. *Height and area limitations.* Monument signs shall not exceed a height greater than 10 feet above grade. Monument signs shall not exceed 100 square feet on one side (200 square feet on two sides) in surface area for

the first monument sign. Any monument sign beyond the first monument sign shall not exceed fifty-percent the area of the first sign.

- v. *Location.* Monument signs shall be erected no less than two feet from the property line of the subject property on which the sign is erected. Monument signs shall not encroach into a sight triangle as defined in Subsection 12-206 of this Code. No monument sign shall be closer than two feet away from any other sign, building and/or structure.

- 1. *Residential districts.* Monument signs shall be located near a public, common entrance to the residential development, as approved by a special use permit.

- vi. *Landscaping.* Monument signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other monument covers shall be a minimum of sixty percent (60%) of the height of the base at planting without blocking the sign copy for the purpose to cover or soften the base. If the proposed sign base is visually enhanced, the Community Development Director may grant partial relief of the landscaping requirement.

- vii. *Electronic message centers.*

- 1. *Quantity.* One electronic message center per lot may be allowed as a component of any monument sign as an accessory tool to the primary sign provided it meets the standards in this Subparagraph.
  - 2. *Area.* The electronic message center area shall not exceed forty percent (40%) of the area of the monument sign to which it is part. The electronic message center area shall be integrated into the design of the overall monument mounted sign.
  - 3. *Design.* Electronic message centers must be accessory to the primary monument sign cabinet and are not allowed to be installed above said primary monument sign cabinet.

- b. *Pole signs.*

- i. *Materials required.* Pole signs shall have a surface or facing of incombustible materials. Structural trim composed of combustible material, however, may be used. The pole or poles and other support structures shall be fully enclosed with decorative durable materials, such as brick, stone, or decorative masonry block or metal, and be of a shape other than a cylindrical pole. Ordinary or traditional cylindrical poles shall be prohibited as support structures.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to, and/or superimposed upon any ground sign, shall be safely or securely built and/or attached to the sign structure.

- iii. *Quantity.*

- 1. *Lots with Interstate Highway Frontage.* On zoning lots which

- directly front interstate highway right-of-way, or indirectly front interstate highway right-of-way by only being separated by a frontage road, one pole sign shall be allowed per frontage on a zoning lot with 100 or more lineal feet of continuous frontage.
2. *All Other Lots.* On zoning lots where existing conditions do not provide sufficient space or visibility for the installation of a monument sign in compliance with Subparagraph 9-106(F)(4)(a) of this Subsection, one pole sign shall be allowed with a special use permit per frontage on a zoning lot with 100 or more lineal feet of continuous frontage.
- iv. *Height limitations.* Pole signs shall not exceed the following maximum heights:
    1. *Lots with Interstate Highway Frontage.* Pole signs on zoning lots which directly front interstate highway right-of-way, or indirectly front interstate highway right-of-way by only being separated by a frontage road, shall be limited to no more than twenty-five (25) feet in height from grade to the top of the sign cabinet.
    2. *All Other Lots.* Pole signs on zoning lots which do not directly or indirectly front interstate highway right-of-way as described above in Subparagraph 9-106 F(4)(b)(iii)(1) shall be limited to no more than fifteen (15) feet in height from grade to the top of the sign cabinet.
  - v. *Area limitations.* Pole signs shall not exceed 100 square feet on one side (200 square feet on two sides total) in surface area for the first pole sign. Any pole sign beyond the first pole sign shall not exceed fifty percent of the area of the first sign.
  - vi. *Location.* The final location of any pole sign shall be a minimum of two feet from all property lines of the subject property on which the sign is erected, including the vertical plane of the cabinet or sign face edge, and comply with the “sight triangle” requirement of Subsection 12-206(S) of this Code. The bottom portion of any pole sign shall be at least 8 feet from the adjoining ground level. The location of the sign shall not obstruct the view of motorists and pedestrians. No pole sign shall be closer than two feet away from any other sign, building and/or structure.
  - vii. *Landscaping.* Pole signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and a half (1.5) feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area. Shrubs or other ground covers shall be at least 25% of the height of the pole sign, or six feet in height, whichever is less, for the purpose to cover or soften the base of the sign. If the proposed sign base is visually enhanced, the Community Development Director may grant relief of the landscaping requirement.
  - viii. *Design.* Pole signs shall implement a unique design theme consisting of various shapes and styles.
  - ix. *Electronic message centers.* An electronic message center may be allowed

as a component of any pole sign subject to special use permit approval. Any electronic message center component as part of a pole sign shall be not displayed lower than 8 feet in height nor higher than 10 feet in height with any departures from these standards subject to a specific special use permit approval condition.

c. *Electronic Message Centers.*

i. *Location.*

1. The subject property of the electronic message center sign shall have no less than 100 feet of R.O.W. frontage on which the sign is to be located.
2. The sign is prohibited within 100 feet of a principal residential structure if any part of the sign face would be visible from the principal residential structure.

ii. *Display.*

1. The copy, logo or display of the sign shall remain static and unchanging for a period of no less than 10 seconds.
2. Anything displayed on the lines of text on the sign shall be displayed monochromatically, and shall not change in color, intensity, brightness, shade or color gradient.
3. The message shall not consist of flashing, scintillating, chasing or animated lights, or include animated pictorial graphics.
4. The illumination of the sign shall not exceed an intensity of 0.5 foot-candles as measured with a portable hand-held sensor at either the property line or ten (10) feet from the sign, whichever is lesser.
5. The sign shall incorporate automatic dimmer software or solar sensors with maximum settings of 5,000 nits during daylight and 500 nits between dusk and dawn. If the city finds that the sign causes glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty-four (24) hours of a request by the city, shall reduce the intensity of the sign to a level acceptable to the city.

iii. *Operations.*

1. The sign shall only operate between one-half hour before the premises are opened, or 6:00 A.M., whichever is earlier and one-half hour after premises are closed to the public, or 11:00 P.M., whichever is later.
2. If at any time, more than thirty (30) percent of the display lights malfunction or are no longer working, the owner of the sign shall make repairs to the sign within thirty (30) days or the sign will require removal. All electronic message center signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

- d. *Directional signs.*
  - i. *Materials required.* Refer to Subparagraphs 9-106 F(4)(a)(i) and F(4)(b)(i).
  - ii. *Secured letters or fixtures.* Refer to Subparagraphs 9-106 F(4)(a)(ii) and F(4)(b)(ii).
  - iii. *Quantity.* One directional sign shall be allowed per right-of-way frontage on a zoning lot with 100 or more lineal feet of continuous street frontage. One additional directional sign may be allowed in a parking lot accessory to a primary structure and must be located within a landscape island in compliance with Section 9-107 of this Code. Additional signs above what is allowed by this Subparagraph (d) shall require Sign Plan approval.
  - iv. *Height and area limitations.* Directional signs shall not exceed a height greater than four (4) feet above grade. Directional signs shall not exceed six (6) square feet per sign face.
  - v. *Location.* Directional signs shall not be closer than two (feet) to any property line, pavement area, or curb or closer than five (5) feet to any other permanent ground sign. Directional signs must be within five (5) feet of a driveway serving as ingress and/or egress to a right-of-way or within a landscape island compliant with Section 9-107 of this Code.
  
- e. *Wall signs.*
  - i. *Materials required.* Wall signs shall have a surface or facing of incombustible materials; provided, however, that structural trim composed of combustible material, may be used.
  - ii. *Secured letters or fixtures.* All letters, figures, characters or representations in a cut-out or irregular form, maintained in conjunction with, attached to and/or superimposed upon any wall sign, shall be safely or securely built and/or attached to the sign structure.
  - iii. *Placement.* Wall signs shall be placed and designed so as to fit within the horizontal and vertical elements of a building. Wall signs must not cover, wholly or in part, any window, door, architectural feature, or opening in a wall. Wall signs must be attached to a wall at a height of not less than 8 feet above ground level. Wall signs may only be located on walls parallel to a street, or those which provide a customer pedestrian building entrance parallel to a parking area. Accessory wall signs may also be located on:
    - 1. walls which do not provide a customer pedestrian building entrance but are parallel to a parking area;
    - 2. walls which are parallel to the main point of ingress and egress to a non-residential development; or
    - 3. walls with a secondary customer pedestrian building entrance.
  - iv. *Projection.* Wall signs shall not project beyond the end, tip, cornice, or roofline of the wall to which it is attached, nor extend more than six inches in depth from the wall to which they are attached.
  - v. *Height.* The vertical dimension of any sign face for a wall sign shall be no more than seven (7) feet; except the vertical dimension of a sign face for an accessory wall sign located under Subparagraph 9-106 F(4)(e)(iii) shall be no more than four (4) feet.

- vi. *Total maximum area.* Notwithstanding any other provision of this paragraph:
    1. no wall sign facing an interstate highway right-of-way may exceed three hundred (300) square feet in area; and
    2. no other wall sign may exceed two hundred (200) square feet in area.
  - vii. Single-tenant buildings or tenant spaces with thirty (30) feet or less of frontage.
    1. *Total number of wall signs.* One wall sign is allowed for each single tenant building or tenant space with thirty (30) feet or less of frontage.
    2. *Total wall sign width.* The width of a wall sign on a single tenant building or tenant space with thirty (30) feet or less of frontage must be no more than seventy-five (75) percent of the total length of the frontage to which it is attached.
  - viii. Single-tenant buildings or tenant spaces with greater than thirty (30) feet of frontage.
    1. *Total number of wall signs.* No more than one primary wall sign and two accessory wall signs are allowed for a single tenant building or tenant space with greater than thirty (30) feet of frontage. No more than one accessory wall sign may be located under Subparagraph 9-106 F(4)(e)(iii).
    2. *Total wall sign width.* The total width of all wall signs on single-tenant buildings or tenant spaces with greater than thirty (30) feet of frontage shall be no more than fifty (50) percent of the total length of the frontage to which they are attached; however, an accessory sign located under Subparagraph 9-106 F(4)(e)(iii) shall be no more than twenty-five (25) percent of the total length of the frontage to which it is attached.
  - ix. *Accessory wall sign area.* Accessory wall signs not located under Subparagraph 9-106 F(4)(e)(iii) are limited to twenty (20) percent of the total maximum area allowed.
  - x. *Corner units of multi-tenant buildings, or single tenant buildings on corner lots.* When a corner unit of a multi-tenant building or a single-tenant building on a corner lot faces two streets,
    1. the total maximum width for wall signs on each frontage is limited to the width allowed for the shorter frontage; and
    2. the wall signs on each frontage must be substantially similar.
- f. *Projecting signs.*
- i. *Area limitations.* Except by special permission of the City Council, projecting signs shall be limited in area as follows:
    1. Horizontal projecting signs, where the width is greater than height, shall not exceed 50 square feet on each side; and
    2. Vertical projecting signs, where height is greater than width, shall not exceed 100 square feet on each side.
  - ii. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.



- iii. *Location of projecting signs.* Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected, no more than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall, and at least one foot from the curb line. Every projecting sign shall be placed at least 15 feet above the public driveway, alley or thoroughfare over which it is erected.
  - iv. *Illumination requirements.* Projecting signs may be illuminated every night between sunset and 10:00 p.m. or the close of business day, whichever is earlier, by at least five watts per square foot of sign surface, but in no case less than 60 watts for each sign surface.
- g. *Awning and canopy signs.*
- i. *Materials; awnings.* Awnings may be constructed of cloth or metal; provided, however, all frames and supports shall be of metal. All new awnings shall be subject to review in accordance with Section 11-505 of this Code.
  - ii. *Materials; canopies.* Canopies may be constructed of a cloth or metal hood; provided, however, all frames and supports shall be of metal. In the C-3 District, awnings may be made of cloth; provided, however, all frames and supports shall be of metal. All new canopies shall be subject to review in accordance with Section 11-505 of this Code.
  - iii. *Illumination.* In all non-residential districts except the C-3 District, awnings may be both internally and externally illuminated subject to all other applicable standards. In the C-3, any illumination must be provided by lighting cast down from above the awning or canopy via decorative serpentine fixtures, subject to review in accordance with Section 11-505 of this Code.
  - iv. *Location of awnings and canopies.*
    - 1. *Heights above sidewalk; awnings.* No portion of an awning shall be less than eight feet above the level of the sidewalk or public thoroughfare over which it is erected.
    - 2. *Height above sidewalk; canopies.* No portion of a canopy shall be less than nine feet above the level of the sidewalk or public thoroughfare over which it is erected.
  - v. *Setback from curb line.* No awning or canopy shall be allowed to extend beyond a point one foot inside the curb line.
  - vi. *Width.* No limitation on the width of awnings or canopies. Full compliance with the wind pressure and dead load requirements is required.
  - vii. *Awnings to be rolled.* When applicable, awnings shall be rolled or folded against the building wall except when serving as a protection from sun, rain, snow or other inclement weather.

- h. *Exceptional & Unique Sign*. Signs not explicitly covered by this Section may be allowed with Special Use Permit approval only within the context of the following considerations:
- i. The sign is integral to or will act as a visual enhancement to the architectural and aesthetic character to the building or lot upon which it is located;
  - ii. The sign is needed to provide advertising for a specific and unique aspect related to a particular business or lot;
  - iii. The sign utilizes technology or standards not presently covered by this Section;
  - iv. The sign or elements of the sign are not explicitly prohibited under Subsection H of this Section;
  - v. The sign will not present visual, noise, smell or other nuisance conditions to the surrounding properties or the city as a whole; and
  - vi. The sign will not impact negatively on the health, safety, and welfare of the surrounding properties or the city as a whole.

**G. SPECIAL AREAS OF CONTROL.**

Signs on properties within one of the special areas of control listed below shall adhere to the standards of this Subsection G. Properties primarily used for residential purposes within one of the defined special areas of control shall be exempt from permitting requirements. Properties used for any non-residential use or for a combination of residential and non-residential uses shall require a temporary sign permit. All signs on properties within special areas of control shall adhere to the general standards herein. All regulations in this Subsection shall be maximums unless otherwise stated. The following terms are used in the tables in order to further explain or abbreviate the Sign Regulations.

SFR	Single Family Residential
MFR	Multi-Family Residential
NR	Non-Residential
MU	Mixed Use
NP (or blank)	Not Allowed.
ROW	Right of Way

1. *General Standards for Special Areas of Control.*

- a. All signs shall be non-illuminated unless otherwise stated.
- b. All ground signs shall be no closer than five (5) feet from the paved portion of any street or back of curb where no sidewalk is present, no closer than two (2) feet from a sidewalk, and shall be on private property.
- c. All ground signs shall not be allowed within any sight triangle, as defined in Section 12-206(S) of this Code.
- d. All signs shall be securely anchored to either the ground or building wall to which they are attached so as to withstand weather conditions.
- e. All signs allowed by this Subsection shall be in addition to the number of signs authorized by Subsection H of this Section.
- f. A-frame signs shall not be allowed for use during in climate weather conditions.

2. *Properties for sale or lease.* Yard or post signs meeting the following requirements shall be allowed on real property which is actively being offered for sale or for lease:

<b>Table 9-106 G.2 – Properties for sale or lease</b>				
<b>Land Use</b>	<b>Sign Face Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Sign Height (ft)</b>	<b>Additional Regulations</b>
SFR	6	1 per public or private ROW frontage	6	
MFR	16	1 per primary structure, per public or private ROW frontage	6	<ul style="list-style-type: none"> <li>• Must be made of durable, non-combustible material.</li> </ul>
NR/MU				

3. *Properties with model homes.* The following sign types meeting the following requirements shall be allowed on real property which is actively registered with the City Clerk's office as a model home or model unit. All signs must be removed at the time of expiration of the model home or model unit registration.

<b>Table 9-106 G.3 – Properties with model homes or units</b>					
<b>Land Use</b>	<b>Sign Type</b>	<b>Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Height (ft)</b>	<b>Additional Regulations</b>
SFR	Feather Flag	15	2 per property	7	<ul style="list-style-type: none"> <li>• A-Frame signs shall only be displayed during daily hours of operation.</li> <li>• Feather flag signs must be secured into the ground or on a weighted stand within five (5) feet of the primary entrance.</li> <li>• Non-illuminated attention-getting devices are allowed.</li> </ul>
	A-Frame	6	1 per property	5	
	Yard or Post	16	1 per property	6	
MFR	Feather Flag	20	2 per building	9	
	A-Frame	6	1 per primary entrance to the building	5	
	Yard or Post	16	1 per building	6	
MU	Feather Flag	20	2 per building	9	
	A-Frame	6	1 per primary entrance to the leasing office	5	
	Yard or Post	16	1 per building	6	

4. *Properties undergoing construction.* Yard or post signs meeting the following requirements shall be allowed on real property which has an active and open building permit with the Building Department. All signs shall be removed immediately upon receiving a Certificate of Occupancy from the Building Commissioner.

<b>Table 9-106 G.4 – Properties undergoing construction</b>					
<b>Land Use</b>	<b>Sign Type</b>	<b>Area (ft<sup>2</sup>)</b>	<b>Number</b>	<b>Height (ft)</b>	<b>Additional Regulations</b>
SFR	Fence	12	1 per property	4	<ul style="list-style-type: none"> <li>Fence signs shall adhere to the height maximum herein, or not exceed the top of the fence to which they are attached.</li> </ul>
	Yard or Post				
MFR	Fence	12	1 per building	4	
	Yard or Post				
NR/MU	Fence	32	1 per property	7	
	Yard or Post				

#### H. MAINTENANCE AND GENERAL SIGN PROHIBITIONS.

##### 1. *Maintenance Standards.*

- (a) *Safety.* The owner or operator of a sign and the owner of the lot on which the sign is located shall be jointly and severally liable to maintain the sign(s), including its (their) illumination sources, in compliance with this Section and all applicable laws, in a safe, secure, neat and orderly condition, and in good working order, at all times.
- (b) *Ordinary Repair and Maintenance.* The owner or operator of a sign and the owner of the lot on which the sign is located shall be jointly and severally liable to maintain the sign, including normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures which may be performed on any sign. This shall include prevention of development of any rust, corrosion, rotting or other deterioration in the physical appearance of the sign. However, any repair or replacement shall, whenever possible eliminate or reduce any nonconformity in the element being repaired or replaced and provided further, however, that this Paragraph (H) of this Section shall not override the authority of this Section. The area around any ground sign shall be kept clean and free of all rubbish, overgrown grass, other overgrown and poorly maintained landscaping, and weeds.
- (c) *Sign Face Changes.* Provided that the sign is otherwise in compliance with this Subsection H as determined by the Building Commissioner and is a legal conforming sign, sign face changes may be completed without a sign permit. Sign face changes on signs which are considered nonconforming, as determined in Paragraph (I)(2) of this Section 9-106 of the Code, may be completed upon review by the building commissioner to ensure that the sign structure is not altered, enlarged, or moved.

2. *General prohibitions.*

- (a) No sign or other advertising structure shall be erected, relocated or maintained in a manner so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- (b) No sign or other advertising structure shall:
  - (i) Obstruct free and clear vision at any street intersection;
  - (ii) Interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device because of its position, shape or color; or
  - (iii) Make use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic.
- (c) No sign or other advertising structure shall be allowed to constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.
- (d) No signs may have blinking, flashing or fluttering lights, or other illuminating devices, which has a changing light intensity, brightness or color; rotating beams, beacon or flashing illumination resembling an emergency light.
- (e) No sign or other advertising structure shall display any matter in which the dominant theme of the material, taken as a whole, appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (f) No sign or other advertising structure shall be painted on or attached to a motor vehicle used primarily for the display of the sign. This Section shall not prohibit the identification of a business and/or its products or services on those vehicle(s) owned and operated by the business and parked or located in a manner appropriate to the normal course of business.
- (g) No sign or other advertising structure shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind, except for the movable hands of street clocks, or other apparent visible movement achieved by electrical, electronic or mechanical means.
- (h) No sign designed to be moved from place to place (freestanding or on wheels), that is not otherwise permanently affixed to the ground, a building or other permanent structure shall be allowed, unless other explicitly allowed in this Section.
- (i) No signs attached to trees, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities, shall be allowed.

- (j) No neon tubing or illuminated tubing shall be allowed on any sign, building, fence, or other permanent or temporary structure or on the interior of any window, unless otherwise allowed as an interior illuminated sign or interior neon sign in this Section.
- (k) No streamers, posters, ribbons, balloons, lights bulbs, light bands, spinners, attention-getting devices that move, blink or flash signs shall be allowed.
- (l) No signs or decorative elements shall be allowed on roofs.
- (m) Signs which are painted directly onto an exterior wall of any building, structure, fence, or sign are prohibited.
- (n) No sign or other advertising structure shall be illuminated with lights, which glare into or upon the surrounding area of any residential premises or distract operators of vehicles and/or pedestrians accessing and/or using the public right-of-way.
- (o) Any sign comprised of plywood or similar material is prohibited.
- (p) No sign, except governmental and public utility signs authorized in this Section, shall be placed in or extend into or over any public property or right-of-way.
- (q) The erection of billboard shall be prohibited. Existing billboards must comply with the requirements of Section I of this Section. (Ord. 2006-11-0068O, passed 11-28-2006)

#### I. NONCONFORMING SIGNS.

1. Authority to Continue. Except as provided in Subsection F of this Section, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful, subject to the regulations contained in Subsections B through E of this Section.
2. Alteration, Enlargement, Moving. No nonconforming sign shall be changed or altered in any manner that would increase the degree of its nonconformity; be enlarged or expanded; be structurally altered to prolong its useful life; or be moved in whole or in part to any other location where it would remain nonconforming. A change in sign message that does not otherwise violate the provisions of this Code shall not be deemed to be prohibited by this Subsection.
3. Change of Sign. A nonconforming sign that has been changed to eliminate its nonconformity, or any element of its nonconformity, shall not thereafter be change to restore such nonconformity or nonconforming element.
4. Damage or Destruction. Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed, by any means, to the extent of 35 percent (35%) or more of its replacement cost of the current assessed value shall not be restored but shall be removed or brought into conformity with the provisions of this Code.

5. *Termination of Certain Signs.*

- a. *Signs subject to Immediate Termination.* The following nonconforming signs, or sign features, shall be terminated within thirty (30) days after the effective date of this Code by removal of the sign or by alteration of the sign to eliminate the specified feature:
  - i. Attention-getting devices
  - ii. Moving or animated signs, except governmental signs or public utility signs as allowed by Subsection F of this Section.
  - iii. Portable signs, excluding A-frame or sandwich board signs and banner stand signs as allowed in accordance with Subsection F of this Section.
  - iv. Temporary signs, except as expressly allowed by Subsection F of this Section.
  - v. Any sign on a tree or utility pole, whether on public or private property.
  - vi. Any sign on public property, except governmental or public utility signs authorized in Section 9-106 of this Code.
  - vii. Any sign constructed or erected without a valid permit.
  - viii. Any other sign expressly prohibited by Paragraph (H)(2) of this Section or not otherwise expressly allowed by this Section.
- b. *Termination of obsolete signs.* No sign or other advertising structure shall advertise a business or product which is no longer in existence on the premises where a sign is located. Any such sign which is not in conformance with this Section on which property the previous use has ceased operation shall be immediately taken down and removed from the subject property.
- c. *Termination by abandonment.*
  - i. Any nonconforming sign that is not used for a period of 30 consecutive days, regardless of any intent to resume or to not abandon the use shall be deemed to be abandoned and shall not thereafter be reestablished or resumed. Every sign shall be immediately removed or brought into conformity with the provisions of this Section.
  - ii. Notwithstanding anything to the contrary in this Section I, any period of discontinuance caused by government actions, strikes, material shortages, or “acts of God,” and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Section I.
- d. *Termination by change of business ownership.* Any nonconforming sign advertising identifying or pertaining to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.
- e. *Special provisions regarding nonconforming billboards.* It is the policy of the city to avoid unnecessary and costly litigation resulting from requiring removal of a nonconforming billboard. The following procedures have been adopted to provide for a negotiated, mutually beneficial, cost-effective method of removing, or otherwise



bringing into compliance with the provisions of this division, nonconforming billboards.

- i. Notwithstanding anything to the contrary in this Section I or elsewhere in this Section, an owner or operator of a nonconforming billboard shall not be subject to the amortization or other nonconforming use provisions of this Section.
- ii. A nonconforming billboard shall be removed upon:
  1. The recommendation of the Community Development Director to the City Council; and
  2. The City Council approving the recommendation by resolution duly adopted.
- iii. An owner or operator of a nonconforming billboard required to be removed under this division (4) shall receive a written notification from the Community Development Director that his, her or its billboard has been designated for removal and shall be asked to declare the value of the billboard in writing from an independent licensed appraiser. The notification shall not be deemed a final administrative action, nor shall it be deemed a final order, but shall only serve to begin a negotiated process for removal of a nonconforming billboard.
- iv. The city will use the appraisal as a basis for preparing an amortization agreement that will establish a period of time that the billboard may remain in operation and, as appropriate, a cash settlement payable at the end of the amortization period. The owner or operator shall cooperate in the negotiations to arrive at an agreed upon amortization and, as appropriate, cash settlement for removal of a nonconforming billboard.
- v. In the event that the city and owner or operator of a billboard cannot agree to the terms of an amortization agreement, the city shall reserve the right, but have no obligation to, seek the condemnation of a nonconforming billboard in a court proceeding.
- vi. An amortization agreement shall be recorded in the office of the Cook County Recorder against the lot upon which the nonconforming billboard is located. (Ord. 2006-11-0068O, passed 11-28-2006)

#### J. UNLAWFUL SIGNS.

1. Should the Building Commissioner determine a sign or other advertising structure is in violation of the provisions of this Section, thus becoming a prohibited sign, Building Commissioner or his or her designee shall give written notice to the permittee and/or the owner of the property upon which the structure is located.
2. If the permittee or owner fails to remove or alter the structure so as to fully comply with the provisions set forth in this Section within ten days after the notice, the Building Commissioner may undertake the removal or alteration as is necessary to bring the structure into compliance and assess the removal or alteration costs to the permittee or owner.
3. The Building Commissioner may cause any sign or other advertising structure which presents an immediate peril to person or property to be removed or altered immediately and without notice.

#### K. SEVERABILITY.

If any provision of this Section or the application thereof to any person or circumstances, shall be held invalid by any court of competent jurisdiction, the invalidity shall not affect the other provisions, or application thereof, of this Section which can be given effect without the invalid provisions or application, and to this end, the provisions of this Section are hereby declared to be severable.

#### L. PENALTY.

1. Any person violating any provision of this Section for which no specific penalty is prescribed shall be subject to § 10.99 of the City of Oak Forest Code of Ordinances.
2. Whoever violates or fails to comply with any of the provisions of this Zoning Code shall be fined not more than \$500 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any fee, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided in this Zoning Code.
3. Whoever violates the provisions contained herein may, in addition to the penalty provided above, be imprisoned not more than six months and have his or her business license suspended or revoked. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 2381, Ch. 2 (part), passed - - 1999)
4. A person who operates or causes to be operated a sexually oriented business in violation of the Zoning Code is subject to a suit for injunction as well as prosecution for a criminal violation. The violation shall be a misdemeanor and shall be punishable by a fine of \$1,000 and/or six months in jail, and if an injunction must be sought, attorneys' fees and costs will be assessed at the discretion of the court against the sexually oriented business. (2000 Code, § 17.44.040) (Ord. 2420 § 4, passed - -1999)
5. Any person or corporate entity violating any of the provisions of Sections A through P of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, be subject to a \$750 fine. For the purposes of this Section, each day the violation is committed, or allowed to continue, shall constitute a separate offense. (Ord. 2006-11-0068O, passed 11-28-2006)